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ABSTRACT

This Job Training Partnership Act (JTPA) Update provides a quick primer of some of the key areas where states have flexibility to develop their own programs and processes in the new Job Opportunities and Basic Skills (JOBS) program. This guide is organized in seven sections that cover the following topics: (1) introduction; (2) why local areas should be involved in the JOBS program; (3) reasons for JTPA to be involved; (4) the federal commitment; (5) flexibility in the JOBS structure (philosophy, coordination, program components, statewide scope, contracting, state plan, supportive services/child care); (6) how to be involved; and (7) practical resources (readings). (KC)

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JTPA Issues

GET INVOLVED IN THE JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM (JOBS)

WHAT LOCAL AREAS NEED TO KNOW

- "A well known politician liked to say, 'All politics is local'. Well, implementation is local." Ann Klinger, President of NACo. pg. 1
- "There are three deficits in America - trade, budget and education." U.S. Department of Education Secretary Cavazos. pg. 4
- The preamble to the JOBS regulations states that it is crucial to assure that welfare recipients receive the JTPA services for which they are eligible. HHS strongly urges that local welfare administrators be represented on the PIC. pg. 7
- Major areas of state flexibility in the JOBS program are philosophy, coordination, program components, statewideness, contracting, state plan and supportive services/child care. pg. 5-20

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GET INVOLVED IN THE JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM (JOBS)

WHAT LOCAL AREAS NEED TO KNOW

I. **Introduction** 1

"Implementation is local. It is up to the local players to form their own strategic partnership or consortium to guide the planning and implementation of JOBS." Ann Klinger, President of NACo, Supervisor, Merced County, CA.

II. **Why Should Local Areas Be Involved?** 2

States will need help dealing with the whole family, finding additional resources for the program and participation rates. The expertise of local areas will be needed.

III. **Reasons for JTPA to Be Involved** 3

JTPA has opportunities for linkages for referrals, child care and supportive services, and being a part of a sequence of services. In some areas, JTPA is a key player in developing and running the program.

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"Everyone must sing from the same sheet of music. The bottom line must be to work smarter, more efficiently and together." Department of Labor Secretary Elizabeth Dole.

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GET INVOLVED IN THE JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM (JOBS)

What Local Areas Need to Know

"A well known politician liked to say, 'All politics is local'. Well, implementation is local. It is up to the local players to form their own strategic partnership or consortium to guide the planning and implementation of the JOBS program. The local partners include not only those federal programs already established to do education and training (i.e. JTPA, Adult Education, Vocational Training) but Local Elected Officials, local area businesses, local voluntary organizations and local education systems. For those of us who have already brought up programs, we know the challenges you face"*

Ann Klinger
Supervisor
Merced County, California
President of NACo

This 'JTPA Update' is written to provide a quick primer of some of the key areas where states have flexibility to develop their own program and processes in the new JOBS program. If local organizations, especially JTPA, are to play a role and not just react to a program already in place, it is important that discussions and action happen now. While 25 states have already implemented an interim JOBS plan, many will have to change that plan in light of the final regulations. Twenty - five still have to develop their plan. There is not a great deal of time since all states must submit a state plan by August 15, 1990. But it is also important to remember that this is a time of beginning. Many states may find that adjustments will be important as they go along with the program. Amendments can be made. Planning can go on at many levels. Ohio, for instance, passed on some of its flexibility to the counties, allowing each county to decide if it would contract out many components of the JOBS program. The plans are also good for only 2 years and must go through the plan review again at that time. Coordination is a process that never ends if done beyond the level of interagency forms that say nice words but do little.

* Quote from a speech presented at the U.S. Department of Health and Human Services Conference, 'Supporting America's Families: Implementation of the Family Support Act', November 6, 1989.

Why Should Local Areas Be Involved?

The Family Support Act was developed to provide education, training and employment for individuals on welfare so they can achieve self-sufficiency. It outlined three target groups to be served; required that all states implement an Unemployed Parent component that would serve two parent families; called for programs that address the needs of the whole family; and outlines the need for effective, efficient programs that utilize resources already available in the state and community. One of its major components is the development of the new education, training and employment program called Job Opportunities and Basic Skills Training Program also known as JOBS.

It does not outline any specific role for local organizations outside of requiring coordination with the local PICs and calling for consultation with a variety of agencies. Yet for several reasons, it is likely that local organizations will be called upon to participate in the program.

The first is a concern about the *whole family*. Welfare agencies will not be able to address all the needs of the family and the AFDC participant with the resources they have available nor will any one agency. If the state decides that it wants a broad program, it will have to look at all the state and local resources it has available and determine if new ones are needed. No one program can provide all the services and knowledge needed to serve the whole family.

Another reason is *funding*. Each state must provide a funding match if programs are to go much beyond a very simple program. While each state receives a 90% match up to the WIN amounts that they had in FY 1987, this will be a fairly small amount for most states. States will have to find match dollars through other state and locally funded programs and seek out ways to expand its services at the lowest cost. Use of JTPA and education grants, such as the Pell grant, allows it to provide services to participants for only the cost of child care and supportive services. It also helps ensure that there is no duplication of effort.

Another major player, both in providing money and often required enabling legislative changes, will be the state legislature. While some states have entered the new JOBS program with no additional state funds, most have looked to the state legislature for at least part of the state match.

Finally the *participation rate* will put pressure to involve other programs, though this may not occur at first. States face two requirements on participation that will encourage them to track individuals who found training on their own - so called 'self initiated' training opportunities. Many of those in self initiated training will be enrolled in JTPA

The requirements include meeting yearly participation rates starting at 7% in FY 1990 and increasing to 20% by FY 1995. The state must also show that 55% of its funds are spent on participants from the three target groups in JOBS - young mothers under the age of 24 who have not completed high school nor are they enrolled in an equivalency program or who have little or no work experience in the past year; long term recipients who have aid for any 36 out of the last 60 months; and members of families where the youngest child is 2 years from becoming ineligible for AFDC. If one of these requirements are not meet, the state's matching rate is reduced to 50% for all expenditures. If there are not enough funds in JOBS itself to ensure this participation, many states could look to JTPA and other programs to track the welfare recipients who may be counted as participants.

Reasons for JTPA to be Involved

From the JTPA point of view, there are several benefits that encourage involvement with JOBS.

JOBS participants have a guarantee to *child care and supportive services*. This can make it much easier to provide longer term training for participants, both by providing needed services to welfare recipients and by freeing the supportive service budget for participants with few, if any, other resources for longer term training. Since child care has become a major focus in many states, the funding levels for that part of the program are often more complete.

Referral of participants from JOBS helps JTPA ensure that it meets its required welfare levels. Since most states will also be focusing on the three required target groups, these referrals will include those with the additional barriers that suggested amendments to JTPA legislation targets for service.

JTPA referral may be a step in a *sequencing of services* with participants receiving education or other basic training before going to JTPA. This can have several impacts. It shortens the time and cost of serving the client to JTPA, with JOBS utilizing other services in the community and providing needed services that JTPA could not have offered. If JTPA is involved in the determination of the sequence of services from the beginning, it can help the JOBS program identify other resources.

JTPA has already been given various responsibilities in the states that began their program last summer. In Maryland, JOBS is being operated through the SDAs. In Wisconsin, counties were given the responsibility to choose who would operate the program and JTPA was chosen by several. In Washington, Iowa and New Jersey, JTPA is part of a coordinated sequence of services for JOBS participants. In Ohio, Connecticut and California, human service agencies have contracted with JTPA for a variety of services. There are many opportunities and possibilities to explore within each state.

Federal Commitment

At 'Supporting American's Families', a conference on the Family Support Act sponsored by the Department of Health and Human Services, key themes on the implementation of the Act were continously repeated.

• **Coordination of programs at all levels.** At a policy summit during the conference, Department of Labor Secretary **Dole**, Health and Human Services Secretary **Sullivan** and Education Secretary **Cavazos** spoke of the importance of working together. They signed an interagency agreement, combining their funds ($7.5 million) to provide technical assistance to create the best JOBS program.

Secretary Dole pointed out that for the program to work, "everyone must sing from the same sheet of music. The bottom line must be to work smarter, more efficiently and together. Bringing down the barriers to be able to eliminate duplication is very hard. It is not the sexy stuff that the media will pay attention to but it must be done."

Secretary Cavazos stated that there are three deficits in America - trade, budget and education. There are four basic steps that can lead to success in helping America's families with this education deficit:

- Raise awareness of every citizen about the education deficit. Problems can't be solved if they are not understood.

- Care that people are failing and children are lost.

- Raise expectations of those that need our help. Help them understand that 'Yes I can do it!'

- Work together to address the need and problems.

Secretary Sullivan stated that "making the program available to as many welfare recipients as possible is the main goal." He strongly urged welfare administrators to meet regularly with their counter parts in the variety of programs designed to serve the needs of families - JTPA, Employment Service, Vocational Education, Community Based Organizations - to ensure that all services are available.

• **Flexibility to meet regional and local differences.** In the development of the final regulations, flexibility for the state was a guiding principle according to **Howard Rolston**, Associate Administrator, Office of Program Evaluation, Family Support Administration. This flexibility means that there are many decisions that the state must make in determining what the program will look like. This includes the actual philosophy that will guide the rest of the decisions about program structure; actual program components; the type of program that will be provided in various parts of the state; supportive services provided; and which organizations will provide the range of JOBS components.

Where is the Flexibility in the JOBS Structure?

The JOBS program is large and complex. But one important element in the program is the many areas where states have the flexibility to decide. In some cases the decision was left fairly wide open, in other areas, states can choose between a number of well defined options. This section outlines the areas of choice, giving the regulatory language of each area and then summarizing the options the states have and the impact it could have on JTPA. The final regulations included 25 pages of regulations and over 100 pages of preamble. Both the regulations and the preamble are referred to through-out each description. If you do not have a copy of the final regulations, contact your NACo regional representative for a copy.

After understanding the areas of flexibility move on to the next section of this 'JTPA Update' on how to get involved. Look at the flexibility available, how it could affect you, the options for action and then decide and communicate your decision and concerns to the State IV-A agency and other important state level players.

Is it important to be involved with this new opportunity for a broad, comprehensive approach to the problems of family, self-sufficiency or is it too complex and too troublesome to bother with? NACo would suggest that it is important because of the challenges faced by all human resource programs - shrinking resources; a labor market where entry level jobs require more education and better skills; and individuals who have many varied barriers to overcome before they can become part of the labor force. It is to everyone's advantage to attack the problem by working together.

Philosophy

Each state must include in the state plan:

Information about overall implementation of the State's JOBS program. This includes a statement of the goals and objectives of the State JOBS program, and a description of how the State intends to implement the program during the biennium to support those goals and objectives. (Sec. 250.21 (10) (b) and (b) (1))

The preamble mentions several philosophies, though there is no language that requires the state to adopt any specific one. It states that the purpose of JOBS is to assure that needy families with children obtain the education, training and employment that will help them avoid long-term welfare dependence. It also mentions efficiency, non-duplication, and the needs of the whole family.

State Options

Marion Reitz, Director, Division of Economic Assistance, New Jersey's REACH program, stated at the HHS conference that one of the decisions states need to make early, and yet continue to judge as the program moves on, is what the outcome of the program is to be. She outlined four choices - job placement, basic education leading to high school credentials, training for an occupation with long term potential, or combining all three goals.

Impact on JTPA

The philosophy the state adopts becomes the guiding principle for the other decisions made about the program. If employment is the main goal, job search may be the first activity, but if education is the main goal, then assessment of basic education levels may be the first activity. In Florida, for instance, the definition of job ready is outlined in state law. If the individual has attended high school to a certain grade level (but not to graduation) and has a certain amount of work experience, they are job ready and must go into job search as their first activity.

If the state chooses a broad goal, accomplishing various outcomes for welfare recipients based on their past work experience, education levels and other assessment issues, JTPA may find itself involved on many levels. Those determined job ready may be referred directly to job search, those considered to have a need for education and job skill training may go to education first and then to JTPA. Texas developed a three tier system of defining the welfare recipients needs and has decided to focus on those in the second tier - those needing education and job training to be ready for the labor market.

Coordination

The minimal coordination that the State IV-A agency (the AFDC component of a state welfare agency) must assure has occurred:

- The Governor must assure that JOBS program activities are coordinated with programs under JTPA and with any other relevant employment, training, and education programs available within the state. At the minimum, this means that the appropriate job training and preparation components of the state JOBS plan shall be consistent with the coordination criteria specified in JTPA's Governor's coordination and special services plan.

- In developing the JOBS plan and carrying out the program, the State IV-A agency must consult and coordinate with other providers to identify existing resources to prevent duplication of services, assure that other program services are available to enable participants to achieve self-sufficiency and assure that costs for these other services are beyond the required levels of service outlined in the Maintenance of Effort requirements for federal/state and local programs.

- At a minimum, coordination must be done with state agencies responsible for JTPA; Employment Service; state Education Agency responsible for Adult Education and Carl Perkins Vocational Education; child care and early child education programs including Head Start and Chapter One; and public housing.

- Both the State IV-A agency and local welfare agencies, as appropriate, must consult with Private Industry Councils for information on two specific issues:

  Development of any arrangements and contracts under JOBS

  Identify and obtain advice on the types of jobs available or likely to become available in the area. The state agency must ensure that JOBS provides training for the type of jobs which are, or are likely to become available in the area, and that resources are not expended on training for jobs that are not likely to become available.

- The state agency must also exchange information on services and coordinate interrelated activities with Indian Tribe or Alaska Native organizations that will be operating separate JOBS programs. (Sec. 250.12)

The preamble states that the purpose of coordination is to provide comprehensive, quality services to meet the multifaceted needs of welfare recipients in the most effective and efficient manner. It strongly encourages the State IV-A agency to meet regularly with the State Job Training Coordinating Council (SJTCC) regarding the planning and implementation of the JOBS program to identify common activities and to develop an integrated strategy to ensure participants receive training and employment services in an effective, non-duplicative manner.

When discussing the consultation with the PIC, the preamble states it is crucial to assure that welfare recipients receive the JTPA services for which they are eligible. Thus, it strongly urges local welfare administrators to be represented on the PIC, or at a minimum, to become actively involved in PIC meetings when appropriate.

It also calls for welfare agencies to meet regularly with state or local educational counterparts to ensure that educational providers are involved in the planning and delivery of the JOBS program at all levels.

State Options

At the minimum, states must coordinate with six state agencies. The coordination definition calls both for ensuring that AFDC participants are receiving services they need and for non-duplication of programs so that costs are kept low.

Consultation with the Private Industry Council is to be done 'as appropriate'.

The only limit to the amount of coordination is time and value received. Several state and county-based programs have developed local councils that pull together individuals from all the players to discuss what is possible. Maryland has used their State Job Training Coordinating Council (SJTCC) for several years to pull together state agencies and local SDAs concerned about human resource development and to create budget and program suggestions.

Impact on JTPA

If coordination is limited to the state level, this could cause problems translating information down to the local level and might lead to limitations in local flexibility.

If the state does not see the value of receiving labor market information and assistance in the development of contracts or arrangements, the language 'as appropriate' may get used as an excuse to not develop the linkage.

SDAs can help move 'as appropriate' consultation with the PICs to an important step by sharing some of the expertise and knowledge gained. This can include supplying information on quality demand occupations, non-traditional occupations, linkages with unions and apprenticeship possibilities, and skills employers are really looking for in entry level employees. SDAs can also help on the process for contracts, best practices for development and review of RFPs and other lessons learned.

Program Components

Components Offered

There are a variety of components that can be offered through the JOBS program. These include mandatory activities and a list of optional activities from which the state must choose two for a full JOBS program.

Mandatory Components:

Orientation for each AFDC applicant and recipient with information on the education, training and employment opportunities, supportive services including child care and assistance that can be provided in obtaining child care, and the rights and responsibilities of individuals including participation in child support procedures. (Sec. 250. 40)

Assessment must be done prior to participation. This assessment must determine educational, child care and other supportive service needs; proficiencies, skill deficiencies and prior work experience; and a review of family circumstances. Each state is allowed to determine the type of assessment used with interviews, testing, counseling and self-assessment instruments suggested as possible methods. In the preamble, it is recommended that "the states use nationally recognized, standardized or industry-developed tests to determine literacy levels and aptitude skills before assigning participants to specific components. Such testing may help State IV-A agencies assure that limited resources are used effectively and that participants are not placed in activities that are inappropriate for them." Assessment, as well as employability planning, can count as participation in a component for up to one month. (Sec. 250.41)

An Employability Plan must be done for each participant. The plan should include an employment goal for the participant; describe the services to be provided; describe the JOBS activities that will be undertaken to achieve the goal; and describe any other needs of the family that might be met by JOBS. The plan must take into account available program resources, supportive service needs, skill levels and aptitudes, local employment opportunities and, to the maximum extent possible, the preferences of the participant. (Sec. 250.41)

Any *Education* below the postsecondary level determined to be appropriate to the employment goal. This must include, but is not limited to, high school or education leading to a high school equivalency certificate; basic and remedial education that provides a basic literacy level, defined as grade 8.9 (the definition of 8th grade level used by the U.S. Department of Education); and Education in English Proficiency for those unable to understand, speak, read or write the English language at the level needed to meet their employment goal. Custodial parent participants below the age of 20, who have not completed high school, must be required to participate in educational activities though they can be excused as long as they are in an alternative educational activity or skills training that is combined with education.

Participants over 20 without a high school diploma who are required to participate in JOBS are to be assigned to educational activities. Other

activities and services cannot interfere. If the participant can show a basic literacy level or has a long-term employment goal that does not require a high school diploma or equivalent, they can be excused from the educational requirement. The education component is subject to good/satisfactory progress review (see below). (Sec. 250.44)

Job Readiness Activities/Job Skills Training/Job Development and Placement These activities include pre-employment training and other activities to prepare participants for employment; specific vocational training; and soliciting or discovering unsubsidized job openings, marketing of participants and securing job interviews. The preamble states that the State agency should use available job readiness activities and seek appropriate advice on the development of additional activities when such resources do not exist. Job Development and Placement is not to be considered a participation component but one that is necessary for a good program. Job Skills training, as are other training activities, is also subject to satisfactory/good progress. (Sec. 250.44)

Optional Components

Job Search can be provided either on an individual or group basis and can be for applicants as well as participants. Job search is to be well structured and include specific activities. Job search has various time limitations outlined in the regulations including no more than 3 weeks before a participant is assessed; no more than 8 weeks in an initial period and not more than 16 weeks in the first year. After that first year, only 8 weeks more of job search can be required. If more than that 8 weeks is required, it can only be as part of some other education, training or employment component. Overall, if an individual participates in more than 4 months of job search, the state will not be able to count that participation towards the required participation rates or to receive federal matching funds for the program. (Sec. 250.60)

On the Job Training (OJT) is structured very much as in JTPA. The participant should receive training that provides knowledge or skills essential to the full and adequate performance of the job. Payments are not to exceed an average of 50% of the wages and the employer is to compensate the participant at the same level as similar employees. Wages will be considered as earned income. If participants become ineligible for welfare because of the income, they will still be considered a JOBS participant for the duration of the OJT and can still receive supportive service. There is no limitation on the length of the OJT, but in the preamble, it is suggested that the State IV-A agency take in account guidance, such as the Dictionary of Occupational Titles, to determine a reasonable length. (Sec. 250.61)

Work Supplementation , while like OJT in structure, has some key differences. The most important may be that work supplementation can not be used to fill any established, unfilled position vacancy. Work supplementation can only be used for new positions. Participants do not have to be counted as an employee for the first 13 weeks of the position; they can be exempted from monthly reporting of income; it can be considered either a mandatory or voluntary program; a participant can only be in the component for 9 months; and funding provided to the employer is from a diversion of the AFDC grant. This component also is not covered in progress standards. (Sec. 250.62)

Community Work Experience is to be limited to projects which serve a useful public purpose in fields such as health, social service, environmental protection, education, urban and rural development/redevelopment, welfare, recreation, public facilities, public safety and day care. The maximum number of hours per individual is determined by dividing the monthly grant amount by the greater of the Federal or State minimum wage. After 6 months, there must be a reassessment and revision, as appropriate, of the employability plan. After 9 months, the formula must be redone so that maximum hours is determined by the highest of the appropriate minimum wage or the wage for individuals employed in the same or similar occupation at the same employer. (Sec 250.63)

Other Options

While not listed as mandatory components nor optional components that states must choose from, there are two other components that many states will probably consider.

Self - initiated Training allows any member of a family who is attending in good standing an institution of higher education or other entity offering vocational/technical training to be considered a JOBS participant if certain conditions are met. The state must have included this option in its plan. The participants must be attending at least half-time as defined by the institution and must be making satisfactory progress. The state agency is to do an assessment and develop an employability plan of each participant and the training must be consistent with the plan. The state can also restrict the amount of time for the training. The preamble suggests 2 years. No funds spent for the training will be reimbursable by federal funds, but child care, transportation and other supportive services can be provided. (Sec. 250.48)

Postsecondary Education must be limited to education that is directly related to the attainment of an individual's employment goal. While it can be supported through JOBS funds, in the preamble HHS strongly urges states to seek other funding sources. It will monitor state expenditures in this area for the purpose of determining the extent to which investment in postsecondary education for JOBS participants produces more beneficial returns, such as longer term self-sufficiency, than are produced by other levels of education or training. (Sec. 250. 46)

Other education, training and employment activities can be included in the state plan. (Sec. 250.47)

Good or Satisfactory Progress

A requirement affecting both education and training is the definition of good or satisfactory progress. This is to be used to determine whether the individual should remain within a specific component, can be provided supportive services and to help ensure that training provides an increase in skills and competencies of JOBS participants. A special use for older teens (age 18-19) is to determine whether they will remain in school or move to other training or employment activities. The definitions are to include both qualitative and quantitative measures which are assessed more than once a year (such as a term, quarter or for training and OJT,

quarterly). The education definition can be developed by the educational institution or program, must be approved by the appropriate state or local education agency and the state welfare agency. The training definition is to be developed by the training provider and approved by the state IV-A agency. The training definition does not have to be in place until October 1,1992. (Section 250.1)

Definition of Participation

To determine the participation rates, the state must determine the average monthly number of individuals who have participated. This is defined as the largest number of applicants and recipients whose combined and averaged weekly hour of participation equals or exceeds 20 hours per week. All components, except for job development and placement, count as participation. Assessment and employability plan development can be counted for up to 1 month of participation. Job entry can be counted as participation for the month of entry and one month past entry. Each individual will be considered as having satisfactorily participated if they attend 75% or more of the hours scheduled. (Sec. 250.78)

The other concern is that enough of the participants are from the three target groups that must be served. The target groups are young mothers under the age of 24 who have not completed high school nor are they enrolled in an equivalency program or who have little or no work experience in the past year; long term recipients who have had aid for any 36 out of the last 60 months; and member of families where the youngest child is 2 years from becoming ineligible for AFDC. Each state must show that 55% of the expenditures in the JOBS program are used to serve these groups. (Sec. 250.1 and Sec. 250.74)

If the state cannot show that both of these rates are met, it will be sanctioned through a reduction in the federal matching rate. The reasons for individuals being excluded from the participation formula are exemption, good cause on a case by case basis, living in a non-JOBS area or being sanctioned. (Sec. 250.74)

State Options

The choice of components is probably the most flexible part of the JOBS program. The mandatory components are broadly defined and the statewideness language (see section below) allows those components to be provided in different ways in different parts of the state. The state must choose two of four optional components and can also include self-initiated training, postsecondary education, and other activities in the state plan.

Allowing the educational and training programs to help develop the definitions of satisfactory or good progress allows for flexibility in the ways it is determined and provides a role for the organizations providing the needed services. It also allows states or providers to encourage competency or other varied assessment processes for those enrolled in education and training programs.

States have run Community Work Experience under the WIN program and probably feel comfortable with that option. Work Supplementation, while it provides many exemptions for participants, is limited to only new positions.

Impact on JTPA

The impact ranges on the choices made. This is where JTPA should be involved and help the most. Choices should be made on expertise and successful programs already

available in the state both to utilize the best programs and to eliminate duplication. Other important considerations include recognition of local needs; sequencing of service choices; and providing the best service for the participant.

The state may also decide to focus on self-initiated training, asking JTPA to report on the welfare recipients that it is serving so it can track participation.

Another issue facing JTPA will be participation. While many SDAs already collect weekly or monthly attendance records on participants, reporting on actual hours and the 75% requirement could become very complicated. Tracking the three target groups could also require reporting changes.

Statewideness

By 10/1/92, all states must make the JOBS program available on a statewide basis. There are several options as to how this is accomplished. While all mandatory and two optional components must be included in a state's full JOBS program, the components do not need to be operated in the same manner in each political subdivision nor must the same optional components be available in each political subdivision. If a state decides that it is not feasible to make JOBS statewide there are two options. The first is implementing a two level program with a minimum and full JOBS program. The minimum JOBS program includes high school or equivalent education, one optional component and information and referral to available non-JOBS program. It is to be available in enough political subdivisions to cover 95% of all AFDC recipients. The full JOBS program must be available in all Metropolitan Statistical Areas in the state and in enough political subdivisions to cover 75% of all AFDC recipients.

The other option is the request of a waiver with a justification that provides information on the number of adult recipients that would be excluded; a comparison of cost between services currently offered and cost of services if JOBS was extended; local economic conditions that make operation infeasible; and whether state expects to expend all its funds. (Sec. 250. 11)

State Options

The state options range from a full JOBS program throughout the state to receiving a waiver that allows them to only provide it in some parts of the state. In the preamble, HHS stresses its top choice - a full program reaching 75% of the population with a minimal program reaching 95%.

Impact of JTPA

In states that run a minimal program, JTPA may find that it is being referred many clients. Often in rural areas, JTPA is one of the few agencies that is providing the range of services needed for training and employment. There is also likely to be questions about who JTPA is serving now and how to include that population in the count of JOBS participation.

Contracting

All activities may be contracted or delegated by the State IV-A agency with the exception of the following:

- Overall program administration including:
  - establishment of optional provisions and components
  - responsibility for program planning, design of program and determining who should participate
  - establishment of program participation rates
  - development of a definition of good cause for failing to participate
  - issuance of other policies, rules and regulations

- Actions involving individuals including:
  - determination of exemption status
  - determination of good cause for failure or refusal to participate
  - determination and application of sanctions
  - providing notice of case actions
  - fair hearings

The final regulations also added assessment and employability development as activities that could be contracted out. (Sec. 250.10)

The costs of services and activities purchased under contract by the state or local IV-A agency must be segregated according to the requirements of both the enhanced rate (the higher of federal medicaid rate or 60%) and the regular rate of 50%. (Sec. 250.73 (c))

The contracts and arrangements for services can only be made to the extent that they are not otherwise available on a 'non-reimbursable rate'. This means that the level of service already available must be maintained before a contract can be developed for additional services. The contract must contain a certification from the provider that the services being contracted for are not otherwise available. The state IV-A agency directly providing services must also certify in the state plan that such services are not otherwise available on a non-reimbursable basis. (Sec. 250.72)

State Options

The state can decide to not contract out any services or to contract out most of them. West Virginia stated it decided not to contract out because of the limitations of time, staff and money. A county in Ohio said those were the very reasons they decided to contract out services.

Impact on JTPA

Maintenance of effort language on non-reimbursable services can have a varied effect. At the least, the preamble language discusses that JTPA must be providing services at the level required in the Job Training Partnership Act (PL 99-101) where it discusses serving welfare recipients at a level proportional to their population. If a SDA has gone beyond this level, they will have to maintain their current expenditure level to achieve additional funding. However, this funding can be used to extend the time of service, provide some type of training that was necessary but could not be provided before, or link

funds so that services available from JTPA and JOBS could be used to the most effective ends.

The non-reimbursable language also requires that the State IV-A agency understands and has assessed the appropriateness of the programs available in the local areas before it creates programs and services.

The best linkage may be the child care and supportive service opportunities which are not under non-reimbursable language and will allow JTPA to use its funds more completely for long term training and other services.

The difficult part of this may be the administrative requirements including the segregation of varied services according to the requirements of the different matching rates, reporting of satisfactory progress and participation hours, and the varied data requirements outlined in Section 250.80. The two programs are different enough that, depending on what the contract calls for, SDAs could face creating very different participant and financial reporting systems. The other concern that states will face will be meeting the 55% rate for the target groups, also requiring possible changes in tracking characteristics of participants.

State Plan

What must be included

The state plan must include:

- Assurances that the overall program meets various administrative and regulatory requirements such as equal opportunity, good cause procedures, etc.

- Information about the overall implementation including goals and objectives, administrative structure, contracting process, statewideness choices and grievance and fair hearing processes.

- The options for participation the State chooses include lowering age of the youngest child, minimum work standards, and supplemental payments for 'net loss of income' when a job is accepted including a definition of 'net loss'.

- A description of program operations including the client flow process, in-depth descriptions of how the mandatory and optional components the state chooses will be provided including funding sources, whether components are available from other providers on a non-reimbursable method, and a description of the case management system if the state decides to use it.

- Description of the nature of coordination with public and private agencies and organizations which must include a description of coordination and consultation in the development of the state plan.

- Annual estimates of the numbers of persons to be served on a monthly basis.

- Other information needed to clarify how the state has chosen to implement the JOBS program. (Sec. 250.21)

There must also be a Supportive Services plan. While separate from the JOBS plan, states are to submit both plans on preprints. They must point out how the JOBS program and the various supportive services - child care, JOBS related supportive services such as training expenses, transportation and transitional child care - are to be coordinated. Some of the components in the supportive plan that the state is allowed to determine include the process for determining local market rate with flexibility in determining what type of local areas are the same, whether the 75% level is based on slots or providers, and setting different rates for rural areas with few providers and special needs day care. (A description of the various child care options is included in the Supportive Services/Child Care section following.) For transitional child care the state may determine the application process and the sliding fee scale. (Sec. 255.1)

The Approval Process

The state plan must be submitted to the Governor for review and comment and to the State Job Training Coordinating Council and the State education agency for review and comment at least 60 days prior to submittal to the Secretary. It must be published and made reasonably available through local news facilities and public announcements to the general

public for review and comment at the same time it is given to the SJTCC and State education agency. Comments received are to be resolved by the state.

If there are substantial changes between the final plan and the interim plan (any plan submitted before the final regulations) the final plan must go through the approval process. All state plans must be submitted on 'preprints' that are being developed by HHS at this time. Drafts of these pre-printed forms are currently being reviewed by the states and then must be approved by the Office of Management and Budget before they will be sent out in final form to the states. All the states that had already submitted a JOBS plan must resubmit their plan on these preprints within 90 days of receiving it. Other important dates to remember include the date when all states must submit a supportive services plan for transitional child care - 2/15/90 and the date all states must submit a JOBS plan and supportive services plan - 8/15/90. (Sec. 250.20)

Amendments are required whenever there is a change in eligibility for services or a change in program design. (Sec. 250.2 (f))

State Options

Not really an area of flexibility, but the piece that lays out the choices made. There was never a definite definition of substantial changes, but Mark Greenberg, Center for Law and Social Policy, believes that the final regulations contained enough changes that most states will have to go through the review process.

Impact on JTPA

The state plan process is the formal opportunity for comments. If there are areas that you have not discussed or focused on, this is where the state outlines what it is going to do. The regulations say that the State must resolve comments received from various reviewers. The SJTCC must receive the plan for review and comment 60 days before it goes to the Secretary of HHS.

The SJTCC is a crucial group to educate about the role for JTPA in JOBS within the state as well as some of the issues and concerns about how the program is being implemented.

Supportive Services/Child care

Each state must do a supportive service plan as well as a JOBS plan. This plan must be done at the same time as the JOBS plan and outline how the supportive services, child care and transitional services will be coordinated with JOBS. (Sec. 255.1)

Child care must be guaranteed if child care is necessary to permit an AFDC family member to accept employment, remain employed, participate in a JOBS activity including self-intiated training, and participate in approved education or training in non-JOBS areas. It is to be provided for dependent children who are under the age of 13; physically or mentally incapable of caring for themselves; under court supervision; or who would be dependent except for receipt of SSI or foster care support.

Special groups eligible for child care and supportive services include those in self-initiated training, those in state approved employment and training in non-JOBS areas, applicants pursuing job search, and applicants and recipients participating in other approved activities to prepare them for JOBS program (such as drug counseling, etc.) (Sec. 255.2)

States have seven options for guaranteeing child care ranging from providing care directly to the reimbursement of a caretaker relative or licensed day care center to using the child care disregard already in place. If there is more than one type of child care available, the parent is allowed to choose the child care provider. (Sec. 255.3)

Determination of the amount to be reimbursed is through the use of both a state rate and local rate. While the state rate could be either the child care disregard or higher, the cap for any reimbursement is the local rate. This is determined by taking the 75th percentile of the cost of either providers or child care slots in a local area . This is a change from the preliminary regulations which allowed a state to only look at providers. In rural areas, with only one or two providers, the state can reimburse 100% of the local rate. The definition of local area is no longer every political subdivision, but local areas with geographical proximity or common characteristics. (Sec. 255.4)

Supportive services - such as transportation, and work-related expenses and supportive services - must also be provided to enable an individual to participate in JOBS activities. (Sec. 255.3)

Transitional Child Care is to be provided for families who have ceased to be eligible for AFDC as a result of increased income or hours in employment or loss of income disregards due to time limitations. The family must have received AFDC for three out of the last 6 months; request transitional child care providing the necessary information and meeting appropriate application requirements established by the state; and ceased to be eligible for AFDC on or after April 1, 1990. The children eligible for child care are the same as defined for child care for participants. The state IV-A agency must establish a sliding scale for the child care that would require that all families pay something towards the child care. (Sec. 256)

Case Management and Supportive Services can be provided for JOBS participants up to 90 days after they have lost their AFDC eligibility. (Sec. 250.73)

State Options

States face many choices with supportive services. There are a variety of work related supportive services available, ranging from tools to transportation, but some serious concerns about funding available. The child care disregard is one option that may help with funding shortages.

The child care guarantee provides child care for a much wider population than just those involved in JOBS activities. There will be many questions and concerns about how wide that guarantee will be in light of resources with use of other programs such as Title XX and state child care funds. The early history of GAIN shows that many of the participants used family as child care providers and that not as many requested child care as expected.

The state has much flexibility in the approval process of education and training activities in non-JOBS areas so that those participating can receive child care and one time work related supportive services.

Impact on JTPA

Child care and supportive services for those involved in JOBS as well as those in non-JOBS areas can help JTPA in serving many AFDC recipients.

How to be Involved

Who do you give suggestions to?

One of the largest problems of linking with JOBS is that it is a state focused program while JTPA and many of the other service programs are locally controlled and have local flexibility to create changes. This state focus also means that JTPA and local areas should talk to many players at the state level to have the broadest impact on JOBS. These include the State IV-A agency, the State Job Training Coordinating Council, members of the State Legislature as well as the committee with authorizing responsibility, Local Elected Officials, and the various State Associations who have an interest - JTPA, Counties, and Welfare Administrators.

The process of working with welfare

Implementing JOBS will be a major task for all states. While some states have a great deal of experience in this type of program, many have only been doing programs in limited sites, for volunteers only, or have had no program at all. To make the program work for participants, many agencies can provide help. Some of the steps that could provide help and support for welfare agencies as they struggle with this important program include:

- Information sharing so there is no duplication of programs and effort
- Understanding putting together the jigsaw puzzle of services to be able to serve the whole family
- Let each other on each one's turf - both through formal staff meetings and informal gatherings
- Cross train on what programs can do and accomplish
- Develop a community focus on the needs and possible ways to help participants towards self-sufficiency
- Share your expertise and remember that no one program knows all there is to know about serving the family

How JTPA Can Help

JTPA and JOBS are alike in many ways. The programs both have the charge to provide training and employment to those who are economically disadvantaged and face many barriers. While JOBS has a smaller, more narrowly defined, group to serve, there are many of the programs and services that JTPA has already developed that can be very helpful. In working with welfare, JTPA needs to remember that in many ways the philosophy of the two groups is the same. Some suggestions for working together include:

- JTPA has to understand its own limitations and also the expertise it can share - assessment, service to teens and young adults, linkages it has

already developed with education and other organizations through the PIC and special programs.

- The requirement that PICs are consulted on labor market opportunities provides an open door for help and suggestions. JTPA can supply information on quality demand occupations, non-traditional occupations, and linkages with unions and apprenticeship possibilities. It is also a chance share knowledge gained on the skills employers are seeking in entry level employees.

- Explore ways the programs can work together. This can range from information sharing so participants aren't having to fill out so many forms; cross contacts within welfare and JTPA to assist in case management and outcomes of referrals; and pooling resources for development of adult competencies, curriculum and assessment.

- Contracting for services is new for some programs. JTPA can help by providing suggestions for the Request For Proposal (RFP) process, developing advisory groups to assist in both the development and review of RFPs, and information in the negotiation of contracts that address the needs of both service provider and contractor to provide the best program.

Practical Resources

Self-Sufficiency has been one of the major issues in the past years. With the implementation of JOBS, there has been several pieces developed that provide information and help. Look to these for assistance both in understanding what has been happening in states and various programs and in identifying resources for more information. There will be more resources and reports and NACo will work hard to keep you informed.

JOBS program

The Final JOBS Regulations: HHS Resolution of Key Issues and Some Implications for JOBS Planning, Mark Greenberg, Center for Law and Social Policy. Copies are available from your NACo regional representative.

State Implementation of the Job Opportunities and Basic Skills Training (JOBS) Program: The Preliminary Results of a Survey of State Human Service Administrators, Richard Ferreira and Julie Shroyer, American Public Welfare Association, 810 First Street NE, Suite 500, Washington, D.C., 20002, (202)682-0100.

Coordination with JOBS

Working Capital: Coordinated Human Investment Directions for the 90's. The Final Report of the JTPA Advisory Committee to the Secretary of Labor. For a copy contact Elaine Kolodny, Manpower Development Specialist, Employment and Training Administration, U.S. DOL, (202)535-0530.

The Provision of Education and Other Services in State Welfare-To-Work Programs, Jose R. Figueroa and Robert A. Silvanik, National Governor's Association, 444 North Capitol Street, Washington, D.C. 20001-1572, (202)624-5854.

Literacy and the Marketplace: Improving the Literacy of Low-Income Single Mothers, Wider Opportunities For Women seminar report, Equal Opportunity Program, The Rockefeller Foundation, 1133 Avenue of the Americas, New York, NY 10036 (212)869- 8500.

The Coalition on Human Needs has developed a variety of publications on the Family Support Act. This group has a focus on local community organizations and provides very good information. For a list of publications contact the Coalition on Human Needs, 1000 Wisconsin Ave. N.W., Washington, D.C. 20007, (202) 342-0726.

Technical Assistance

Consortium for Implementation of the Family Support Act. This consortium, developed by NACo, National Governor's Association, American Public Welfare Association and the Council of Chief State School Officers, provides technical assistance through a variety of publications, conferences, and assistance both on the phone and on site (for cost). A new project director, Linda McCart, has been hired to provide assistance to all of the organizations, to plan and coordinate the special programs and to provide technical assistance. She is located at NGA and can be reached at (202) 624-5336.

The next two conferences will be on Program Design on January 22-24 in Washington, DC and on Management and Data Reporting, May 14-16 in Nashville, TN. Program Design for the Family Support Act will focus on the process of providing assessment, education, training and job placement for participants in the Joint Opportunities and Basic Skills (JOBS) Training programs. There will be many opportunities to share your experiences, insights and questions. It is also a good opportunity for local organizations, both county human service agencies and JTPA

programs, to learn more about the JOBS program and to share their expertise. Registrations are being taken now for the Program Design conference, with early bird registration until December 22. For Registration information contact Linda Burnette, (202) 624- 7811. For program information contact Marilou Fallis at NACo, (202) 393-6226.

NACo is developing files of information on suggestions, program models, and implementation procedures. Contact Marilou Fallis, (202) 393-6226, with information about your program and implementation processes or for assistance with your specific questions.